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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Third Committee*

Rapporteur: Mr. Hassan Kassem **Najem** (Lebanon)

I. Introduction

1. At its 3rd plenary meeting, on 18 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" and to allocate it to the Third Committee.

2. The Third Committee considered the item jointly with sub-items 110 (c) and (e) at its 33rd to 41st meetings, from 4 to 6 and on 9 and 10 November 1998, and took up proposals relating to sub-item (b) at its 46th to 51st and 53rd meetings, on 13, from 16 to 20 and on 23 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/53/SR.33–41, 46–51 and 53).

3. For the documents before the Committee under this item, see A/53/625.

* The report of the Committee on this item will be issued in six parts, under the symbol A/53/625 and Add.1–5.

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II. Consideration of proposals

A. Draft resolution A/C.3/53/L.32

4. At the 47th meeting, on 16 November, the representative of Ireland, on behalf of *Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus,* the *Czech Republic, Denmark, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Mali, Malta, Mauritius, Monaco,* the *Netherlands, New Zealand, Norway,* the *Philippines, Poland, Portugal,* the *Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Tunisia,* the *United Kingdom of Great Britain and Northern Ireland,* the *United States of America* and *Venezuela,* introduced a draft resolution entitled "Elimination of all forms of religious intolerance" (A/C.3/53/L.32). Subsequently, *Madagascar, Panama,* the *Solomon Islands* and *Ukraine* joined in sponsoring the draft resolution.

5. At its 48th meeting, on 17 November, the Committee adopted draft resolution A/C.3/53/L.32 without a vote (see para. 49, draft resolution I).

B. Draft resolution A/C.3/53/L.33

6. At the 46th meeting, on 13 November, the representative of *South Africa*, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and *China*, introduced a draft resolution entitled "Human rights and unilateral coercive measures" (A/C.3/53/L.33).

7. At its 49th meeting, on 18 November, the Committee adopted draft resolution A/C.3/53/L.33 by a recorded vote of 104 to 44, with 10 abstentions (see para. 49, draft resolution II). The voting was as follows:[1]

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, San Marino, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

[1] The delegation of the Niger subsequently indicated that it had intended to vote in favour, and the delegation of San Marino subsequently indicated that it had intended to vote against.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Azerbaijan, Cyprus, Jordan, Kazakhstan, Kyrgyzstan, Malta, Marshall Islands, Ukraine, Uzbekistan.

C. Draft resolution A/C.3/53/L.35

8. At the 47th meeting, on 16 November, the representative of Brazil, on behalf of *Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Cameroon, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus,* the *Czech Republic, Denmark,* the *Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kenya, Lesotho, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands,* the *Federated States of Micronesia, Monaco, Mongolia, Morocco, Namibia, Nepal,* the *Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru,* the *Philippines, Poland, Portugal,* the *Republic of Korea,* the *Republic of Moldova, Romania,* the *Russian Federation, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine,* the *United Kingdom of Great Britain and Northern Ireland,* the *United States of America, Uruguay, Venezuela, Zambia* and *Zimbabwe*, introduced a draft resolution entitled "Strengthening of the rule of law" (A/C.3/53/L.35). Subsequently, the *Central African Republic,* the *Congo, Sierra Leone, Suriname* and *Swaziland* joined in sponsoring the draft resolution.

9. At the 50th meeting, on 19 November, the representative of Brazil orally revised operative paragraph 6 of the draft resolution by deleting, after the words "and the rule of law", the words "as exemplified by the recent conclusion of a Memorandum of Understanding with the United Nations Development Programme designed to increase coordination, mutual support, efficiency and the effectiveness of rule of law assistance programming" and inserting the words "and, in this context, takes note of the cooperation between the United Nations Development Programme and the High Commissioner in providing technical assistance at the request of States in the promotion of the rule of law".

10. At the same meeting, the Committee adopted draft resolution A/C.3/53/L.35, as orally revised, without a vote (see para. 49, draft resolution III).

D. Draft resolution A/C.3/53/L.36

11. At the 47th meeting, on 16 November, the representative of *Cuba* introduced a draft resolution entitled "Respect for the right to universal freedom of travel and the vital importance of family reunification" (A/C.3/53/L.36).

12. At its 48th meeting, on 17 November, the Committee adopted draft resolution A/C.3/53/L.36 by a recorded vote of 82 to 1, with 67 abstentions (see para. 49, draft resolution IV). The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Mali, Mauritania, Mexico, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Bulgaria, Burundi, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Mozambique, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland.

13. After the adoption of the draft resolution, the representatives of Mexico and Chile made statements in explanation of vote (see A/C.3/53/SR.48).

E. Draft resolution A/C.3/53/L.37

14. At the 47th meeting, on 16 November, the representative of Norway, on behalf of *Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus,* the *Czech Republic, Denmark, Ecuador, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Monaco,* the *Netherlands, New Zealand, Norway, Panama, Peru, Portugal,* the *Republic of Korea,* the *Republic of Moldova, Romania,* the *Russian Federation,*

Saint Lucia, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the *United Kingdom of Great Britain and Northern Ireland,* the *United States of America, Uruguay* and *Venezuela,* subsequently joined by *Turkmenistan,* introduced a draft resolution entitled "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" (A/C.3/53/L.37).

15. At its 51st meeting, on 20 November, the Committee adopted draft resolution A/C.3/53/L.37 without a vote (see para. 49, draft resolution V).

16. Before the adoption of the draft resolution, statements were made by the representatives of Egypt (also on behalf of Algeria, Bahrain, Benin, China, Cuba, the Democratic People's Republic of Korea, Djibouti, Ethiopia, Indonesia, the Islamic Republic of Iran, Iraq, Jordan, Kuwait, the Lao People's Democratic Republic, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Myanmar, the Niger, Oman, Pakistan, Qatar, Singapore, the Sudan, the Syrian Arab Republic, the United Arab Emirates and Viet Nam), the Syrian Arab Republic, Cuba, the Libyan Arab Jamahiriya and Saudi Arabia (see A/C.3/53/SR.51).

F. Draft resolution A/C.3/53/L.39

17. At the 49th meeting, on 18 November, the representative of Australia, on behalf of *Andorra, Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, Germany, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Monaco,* the *Netherlands, New Zealand, Norway, Portugal, Romania, Spain, Sweden,* the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America,* subsequently joined by *France* and *Greece,* introduced a draft resolution entitled "Situation of human rights in Cambodia" (A/C.3/53/L.39).

18. In introducing the draft resolution, the representative of Australia orally revised it as follows:

(a) In operative paragraph 4, after the words "of the elections", the remainder of the paragraph, reading:

> "and, noting that the elections demonstrated the clear desire of the Cambodian people for democracy, stresses the need for the constructive engagement of all parties in order to fulfil the objective of the elections, the formation of an elected, constitutional government;"

was deleted;

(b) A new operative paragraph 5 was inserted, reading:

> "5. *Notes* that the elections demonstrated the clear desire of the Cambodian people for democracy; stresses the need for the constructive engagement of all parties in order to fulfil the objective of the elections, the formation of an elected, constitutional government; and, in this context, welcomes the agreement reached between political parties to convene the national assembly and to establish a coalition government",

and the subsequent paragraphs were renumbered accordingly;

(c) At the end of operative paragraph 6, the words "and takes note of the statements of the joint international observer group regarding the polling and counting processes of the elections" were inserted.

19. At its 50th meeting, on 19 November, the Committee adopted draft resolution A/C.3/53/L/39, as orally revised, without a vote (see para. 49, draft resolution VI).

G. Draft resolution A/C.3/53/L.40

20. At the 47th meeting, on 16 November, the representative of Peru, on behalf of *Antigua and Barbuda, Argentina, Azerbaijan, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Brazil, Burkina Faso, Burundi, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus,* the *Dominican Republic, Ecuador, El Salvador, Ethiopia, Fiji, France, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Israel, Italy, Japan, Madagascar, Mali, Mexico, Monaco, Mongolia, Morocco, Nepal,* the *Niger, Pakistan, Panama, Paraguay, Peru,* the *Philippines, Portugal, San Marino, Sierra Leone, Spain, Suriname, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, Uruguay* and *Venezuela*, introduced a draft resolution entitled "Human rights and extreme poverty" (A/C.3/53/L.40). Subsequently, the *Comoros,* the *Democratic Republic of the Congo, Egypt, Equatorial Guinea, Eritrea, Indonesia, Liberia, Malawi, Mauritania, Nigeria, Senegal, Tunisia* and *Uganda* joined in sponsoring the draft resolution.

21. At its 49th meeting, on 18 November, the Committee adopted draft resolution A/C.3/53/L.40 without a vote (see para. 49, draft resolution VII).

H. Draft resolution A/C.3/53/L.41

22. At the 47th meeting, on 16 November, the representative of Finland, on behalf of *Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus,* the *Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Monaco,* the *Netherlands, New Zealand, Norway, Panama, Poland, Portugal,* the *Republic of Korea,* the *Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine* and the *United Kingdom of Great Britain and Northern Ireland*, introduced a draft resolution entitled "Extrajudicial, summary or arbitrary executions" (A/C.3/53/L.41). Subsequently, *Cape Verde, Malta* and *Uganda* joined in sponsoring the draft resolution.

23. At the 50th meeting, on 19 November, the representative of Finland orally revised the text as follows:

(a) In the sixth preambular paragraph, the text following the words "article 6 of the Convention and", the remainder of the paragraph which read:

> "and expressing on this occasion satisfaction that an important step in the fight against impunity has been taken in the conclusion of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, while also acknowledging the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for

Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994."

was deleted and was replaced by the words "acknowledging in this context the historic significance of the adoption of the Rome Statute of the International Criminal Court";

(b) In the seventh preambular paragraph, the words "of non-combatants, carried out in cases of armed conflict not of an international character" were deleted after the word "executions".

24. At the same meeting, the Committee adopted draft resolution A/C.3/53/L.41, as orally revised, without a vote (see para. 49, draft resolution VIII).

I. Draft resolution A/C.3/53/L.42

25. At the 47th meeting, on 16 November, the representative of Belgium, on behalf of *Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Ecuador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Guinea-Bissau, Hungary, Ireland, Israel, Italy, Japan, Lesotho, Liberia, Lithuania, Madagascar, Mali, Malta, Monaco, Mongolia, Morocco, Mozambique, New Zealand, Panama,* the *Philippines, Poland, Portugal, Romania, Senegal, Slovenia, South Africa, the former Yugoslav Republic of Macedonia, Togo, Ukraine,* the *United Republic of Tanzania,* the *United States of America* and *Venezuela*, introduced a draft resolution entitled "Regional arrangements for the promotion and protection of human rights" (A/C.3/53/L.42). Subsequently, *El Salvador, Guinea, Malawi,* the *Republic of Korea* and *Sierra Leone* joined in sponsoring the draft resolution.

26. In introducing the draft resolution, the representative of Belgium orally revised the text by adding in operative paragraph 10, after the words "in this context that", the words "the annual intergovernmental workshop for the Asia-Pacific region".

27. At its 48th meeting, on 17 November, the Committee adopted draft resolution A/C.3/53/L.42, as orally revised, without a vote (see para. 49, draft resolution IX).

J. Draft resolution A/C.3/53/L.44

28. At the 47th meeting, on 17 November, the representative of Cuba, on behalf of *Algeria, Bangladesh, Benin, Botswana, Burundi, China, Colombia, Cuba,* the *Democratic People's Republic of Korea,* the *Democratic Republic of the Congo,* the *Dominican Republic, Egypt, El Salvador, Indonesia,* the *Islamic Republic of Iran, Iraq,* the *Lao People's Democratic Republic,* the *Libyan Arab Jamahiriya, Malaysia, Mali, Mexico, Mozambique, Myanmar, Namibia,* the *Niger, Nigeria, Peru, Rwanda,* the *Sudan,* the *Syrian Arab Republic, Togo,* the *United Republic of Tanzania, Viet Nam, Yemen, Zambia* and *Zimbabwe*, subsequently joined by *Madagascar* and *Uganda*, introduced a draft resolution entitled "Strengthening of United Nations actions in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity" (A/C.3/53/L.44).

29. At its 48th meeting, on 17 November, the Committee adopted draft resolution A/C.3/53/L.44 without a vote (see para. 49, draft resolution X).

K. Draft resolution A/C.3/53/L.46

30. At the 48th meeting, on 17 November, the representative of France, on behalf of *Andorra, Argentina, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada,* the *Central African Republic, Chile, Côte d'Ivoire, Cuba, Cyprus, Denmark, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Luxembourg, Monaco,* the *Netherlands, Norway, Portugal,* the *Republic of Korea,* the *Republic of Moldova, San Marino, Senegal, Sierra Leone, Slovakia, Spain, Sweden,* the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America,* introduced a draft resolution entitled "Question of enforced or involuntary disappearances" (A/C.3/53/L.46). Subsequently, *Benin,* the *Comoros, Liechtenstein, New Zealand,* the *Niger, Romania* and *the former Yugoslav Republic of Macedonia* joined in sponsoring the draft resolution.

31. At its 49th meeting, on 18 November, the Committee adopted draft resolution A/C.3/53/L.46 without a vote (see para. 49, draft resolution XI).

L. Draft resolution A/C.3/53/L.48

32. At the 47th meeting, on 16 November, the representative of Turkey, on behalf of *Albania, Azerbaijan, Bangladesh, Bolivia, Bosnia and Herzegovina, Chile, Costa Rica, Côte d'Ivoire, Ecuador, Georgia, Guatemala, India, Israel, Kazakhstan, Kyrgyzstan, Morocco, Peru,* the *Philippines,* the *Republic of Korea, the former Yugoslav Republic of Macedonia, Turkey, Turkmenistan* and *Uruguay*, introduced a draft resolution entitled "Follow-up to the United Nations Year for Tolerance" (A/C.3/53/L.48). Subsequently, *El Salvador*, the *Dominican Republic, Panama* and the *Russian Federation* joined in sponsoring the draft resolution.

33. At its 48th meeting, on 17 November, the Committee adopted draft resolution A/C.3/53/L.48 without a vote (see para. 49, draft resolution XII).

34. After the adoption of the draft resolution, a statement was made by the representative of the Syrian Arab Republic (see A/C.3/53/SR.48).

M. Draft resolution A/C.3/53/L.49

35. At the 49th meeting, on 18 November, the representative of France, on behalf of *Andorra, Antigua and Barbuda, Armenia, Azerbaijan,* the *Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cameroon, Cape Verde,* the *Central African Republic, Chad, Chile,* the *Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus*, the *Democratic Republic of the Congo,* the *Dominican Republic, Ethiopia, Fiji, France, Gabon, Georgia, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Japan, Kazakhstan,* the *Lao People's Democratic Republic, Lebanon, Lithuania, Luxembourg, Madagascar, Mali, Mauritania, Monaco, Morocco, Myanmar,* the *Niger, Pakistan, Panama, Paraguay, Peru,* the *Philippines, Poland, Portugal,* the *Republic of Moldova, Romania,* the *Russian Federation, San Marino, Senegal, Spain, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkmenistan, Uruguay, Uzbekistan* and *Venezuela,* introduced a draft resolution entitled "The human genome and human rights" (A/C.3/53/L.49). Subsequently,

Burundi, Djibouti, El Salvador, Equatorial Guinea, Haiti, Nepal, Sierra Leone, Slovakia, Tunisia and *Ukraine* joined in sponsoring the draft resolution.

36. At its 50th meeting, on 19 November, the Committee adopted draft resolution A/C.3/53/L.49 without a vote (see para. 49, draft resolution XIII).

37. After the adoption of the draft resolution, statements were made by the representatives of New Zealand, Argentina, Australia, Germany and Canada (see A/C.3/53/SR.50).

N. Draft resolution A/C.3/53/L.50

38. At the 48th meeting, on 17 November, the representative of Namibia, on behalf of *Australia, Austria, Bangladesh, Belarus, Benin, Bolivia, Botswana, Burundi, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Ecuador, Ethiopia, Greece, Guatemala, Guinea, Israel, Italy, Japan, Lesotho, Liberia, Mali, Mongolia, Morocco, Mozambique, Namibia,* the *Netherlands, Nigeria, Panama, Paraguay,* the *Philippines,* the *Republic of Korea,* the *Russian Federation, Slovenia, Solomon Islands, South Africa, the former Yugoslav Republic of Macedonia, Togo, Ukraine,* the *United States of America, Venezuela* and *Zimbabwe,* introduced a draft resolution, entitled "United Nations Decade for Human Rights Education, 1995–2004, and public information activities in the field of human rights" (A/C.3/53/L.50). Subsequently, *Antigua and Barbuda, Argentina, Burkina Faso, Cameroon,* the *Democratic Republic of the Congo, El Salvador, Equatorial Guinea, Finland, France, Ghana, Guinea-Bissau, India, Indonesia, Madagascar, Malawi,* the *Federated States of Micronesia, Nepal, Peru, Rwanda, Senegal, Sierra Leone* and *Suriname* joined in sponsoring the draft resolution.

39. At its 49th meeting, on 18 November, the Committee adopted draft resolution A/C.3/53/L.50 without a vote (see para. 49, draft resolution XIV).

O. Draft resolution A/C.3/53/L.57

40. At the 50th meeting, on 19 November, the representative of *South Africa*, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and *China*, introduced a draft resolution entitled "Enhancement of international cooperation in the field of human rights" (A/C.3/53/L.57).

41. At the 51st meeting, on 20 November, the representative of South Africa orally revised the draft resolution as follows:

(a) In the fifth preambular paragraph, after the words "*Taking note*", the words "with appreciation" were deleted;

(b) Operative paragraph 1, which had read:

"1. *Recalls* the statement made by the Chairman of the Commission on Human Rights at the 70th meeting of its fifty-third session, on 18 April 1997;"

was deleted and the subsequent paragraphs were renumbered accordingly.

42. At the same meeting, the Committee adopted draft resolution A/C.3/53/L.57, as orally revised, without a vote (see para. 49, draft resolution XV).

P. Draft resolution A/C.3/53/L.58 and Rev.1

43. At the 50th meeting, on 19 November, the representative of *South Africa*, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and *China*, introduced a draft resolution entitled "Right to development" (A/C.3/53/L.58), which read:

"*The General Assembly,*

"*Recalling* its previous resolutions and those of the Commission on Human Rights relating to the right to development, including its resolution 52/136 of 12 December 1997 and Commission on Human Rights resolution 1998/72 of 22 April 1998,[2]

"*Emphasizing* that the promotion, protection and realization of the right to development is an integral part of the promotion and protection of all human rights,

"*Recalling* that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights, and recognizing that all human rights are universal, indivisible, interdependent and interrelated, and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

"*Expressing its concern* that, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights,[3] the unacceptable situation of absolute poverty, hunger, disease, lack of adequate shelter, illiteracy and hopelessness remains the lot of over one billion people,

"*Reaffirming* the commitment contained in the Charter of the United Nations to promote social progress and better standards of life in larger freedom,

"*Recalling* the principles proclaimed in the Rio Declaration on Environment and Development of 14 June 1992,[4] and taking note of the deliberations of the General Assembly at its nineteenth special session,

"*Noting with concern* that, in this regard, while a number of positive results have been achieved, the overall trends with respect to sustainable development are worse today than they were in 1992,

"*Mindful* that the Commission on Human Rights continues to consider this matter and, by its resolution 1998/72, established a follow-up mechanism, initially for a period of three years,

"*Noting* the need for improved coordination and cooperation throughout the United Nations system for more effective promotion and realization of the right to development,

"*Recognizing* that the Office of the United Nations High Commissioner for Human Rights has an important role to play in the promotion, protection and

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[2] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23–E/CN.4/1998/177), chap. II, sect. A.

[3] Resolution 217 A (III).

[4] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex I.

realization of the right to development, including in seeking enhanced support from the relevant bodies of the United Nations system for this purpose,

"*Reaffirming* that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

"*Recognizing* that the implementation of the Declaration on the Right to Development[5] requires effective development policies and support at the international level through the effective contribution of States, organs and organizations of the United Nations system and non-governmental organizations active in this field,

"*Reaffirming* the need for action by all States at the national and international levels for the realization of all human rights and the need for relevant evaluation mechanisms to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

"*Expressing its concern* that, more than ten years after the adoption of the Declaration on the Right to Development, obstacles to the realization of the right to development still persist at both the national and international levels, that new obstacles to the rights stated therein have emerged, including, *inter alia*, the negative effects of globalization on the right to development, particularly in developing countries, and that the progress made in removing these obstacles remains precarious and transient,

"*Expressing also its concern* that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes, national development strategies and policies and activities of international organizations,

"*Having considered* the report by the Secretary-General on the right to development,[6] prepared in pursuant to General Assembly resolution 52/136,

"1. *Takes note* of the report of the Secretary General on the right to development;[6]

"2. *Reaffirms* the importance of the right to development, as established in the Declaration on the Right to Development,[7] for every human person and for all peoples in all countries, in particular the developing countries, as an integral part of fundamental human rights, as well as the potential contribution its realization could make to the full enjoyment of human rights and fundamental freedoms;

"3. *Recognizes* that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights[3] and the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[8] through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights;

"4. *Reiterates* the importance of the Vienna Declaration and Programme for Action, which reaffirms the right to development, as established by the Declaration

[5] Resolution 41/128, annex.

[6] A/53/268.

[7] Resolution 41/128, annex.

[8] A/CONF.157/24 (Part I), chap. III.

on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights;

"5. *Reaffirms* that democracy, development and respect for all human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing and, in this context, affirms that:

"(a) Democracy, which is spreading everywhere, has raised development expectations everywhere, that their non-fulfilment risks the rekindling of non-democratic forces and that structural reforms that do not take social realities into account could destabilize the processes of democratization;

"(b) Effective popular participation is an essential component of successful and lasting development;

"(c) Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social- and people-centred sustainable development;

"(d) The participation of developing countries in the international economic decision-making process needs to be broadened and strengthened;

"6. *Reaffirms also* that democracy, development and respect for all human rights and fundamental freedoms would be strengthened by enhanced international cooperation for development;

"7. *Reiterates* that the existence of widespread poverty, in particular extreme poverty, inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

"8. *Emphasizes* that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature;

"9. *Reiterates* the request of the Commission on Human Rights to the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular the least developed countries, and especially the social impact of the measures arising from the foreign debt;

"10. *Expresses its concern* that official development assistance has fallen for five consecutive years, from 0.33 per cent in 1992 to 0.22 per cent in 1997, its lowest level ever, with serious consequences for the realization of the right to development in developing countries, and urges the developed countries to reverse this trend in accordance with the commitment undertaken to fulfil as soon as possible the agreed United Nations target of 0.7 per cent of their gross national product for overall official development assistance;

"11. *Calls upon* the developed countries to mobilize further resources for development assistance in a spirit of cooperation and solidarity;

"12. *Affirms* the need to apply a gender perspective in the implementation of the right to development, *inter alia*, by ensuring that women play an active role in the development process, and *emphasizes* that the empowerment of women and their full

participation on a basis of equality in all spheres of society is fundamental for development;

"13. *Expresses its concern* that, while developing countries constitute the majority of the membership of the international economic, monetary and financial institutions which form an integral part of the decision-making process at the global level on macroeconomic policy issues, their institutionalized lack of participation therein has far-reaching impacts on the world economy, often with negative implications for the exercise of the right to development in developing countries;

"14. *Expresses also its concern* that the volatility of short-term capital flows and the weaknesses of the international financial system can have negative consequences on the realization of the right to development;

"15. *Notes* the negative effects of the current international financial crisis on the full enjoyment of the economic, social and cultural rights of the peoples of affected countries, in particular the right to food, health, education and work;

"16. *Welcomes* the intention of the Secretary-General to give high priority to the right to development and urges all States to promote further the right to development as a vital element in a balanced human rights programme;

"17. *Notes* that measures taken for the promotion and realization of the right to development should be more effective, and calls upon the United Nations High Commissioner for Human Rights to explore further ways and means to achieve this objective;

"18. *Requests* the Secretary-General to inform the Commission on Human Rights at its fifty-fifth session and the General Assembly at its fifty-fourth session of the activities of the organizations, funds, programmes and specialized agencies of the United Nations system for the implementation of the Declaration on the Right to Development, as well as obstacles identified by them to the realization of the right to development;

"19. *Affirms* that international cooperation is acknowledged more than ever as a necessity deriving from recognized mutual interest, and therefore that such cooperation be strengthened in order to support the efforts of developing countries to solve their social and economic problems and to fulfil their obligations to promote and protect all human rights;

"20. *Calls upon* the Commission on Human Rights to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration on the Right to Development, including comprehensive and effective measures to eliminate obstacles to its implementation;

"21. *Recognizes* that the fiftieth anniversary of the Universal Declaration of Human Rights provides an important opportunity to place all human rights at the top of the human rights agenda, and in this context, the right to development in particular;

"22. *Decides*, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, to include the Declaration on the Right to Development in the International Bill of Human Rights;

"23. *Calls upon* the Secretary-General to take the necessary measures in this regard, *inter alia*, through the publication of the modified International Bill of Human Rights and to ensure the widespread dissemination thereof;

"24. *Urges* States to give consideration to the preparation of a convention on the right to development as one of the important steps towards the effective realization of the right to development;

"25. *Encourages* all States to address, within the declarations and programmes of action adopted by the relevant international conferences convened by the United Nations, the elements for the promotion and protection of the principles of the right to development as set out in the Declaration on the Right to Development;

"26. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-fourth session;

"27. *Decides* to consider this question at its fifty-fourth session under the sub-item entitled 'Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms'."

44. At the 51st meeting, on 20 November, at the request of the representative of South Africa, the Committee decided to defer action on the draft resolution (see A/C.3/53/SR.51).

45. At its 53rd meeting, on 23 November, the Committee had before it a revised draft resolution entitled "Right to development" (A/C.3/53/L.58/Rev.1), submitted by the sponsors of draft resolution A/C.3/53/L.58.

46. At the same meeting, the representative of South Africa orally revised draft resolution A/C.3/53/L.58/Rev.1 as follows:

(a) In the ninth preambular paragraph, the word "the" was inserted before the words "more effective";

(b) In operative paragraph 4, the words "and reaffirms that the human person is the central subject of development" were inserted at the end of the paragraph;

(c) In operative paragraph 5 (c), the words "at the same time," were inserted at the beginning of the subparagraph;

(d) Operative paragraph 9, which had read:

"9. *Invites* the High Commissioner for Human Rights to pay particular attention to the impact of the problem of the debt burden on developing countries and their people, in particular the least developed countries, on their full enjoyment of the right to development",

was replaced by:

"9. *Invites* the High Commissioner for Human Rights, within her mandate, to give due regard to the impact of the problem of the external debt burden of developing countries, in particular the least developed countries, on the full enjoyment of the right to development in these countries";

(e) In operative paragraph 19, the words "human rights agenda" were replaced by the words "global agenda" at the end of the paragraph;

(f) In operative paragraph 20 (b), the word "providing" was replaced by the word "provide" before the words "commensurate support";

(g) In operative paragraph 20 (f), the word "Welcome" was replaced by the words "To continue the welcome";

(h) In operative paragraph 20 (i), the words "including those contributing to" were replaced by the words "such as those participating in" and the subparagraph was renumbered as subparagraph (h);

(i) Existing paragraph 20 (h) and (j), which had read:

"(h) Invite the independent Expert, appointed by the Chairman of the Commission on Human Rights, to include in his study on the current state of progress in the implementation of the right to development an analysis of the legal bases of the right to development, in particular, its international dimension;"

and

"(j) Invite the follow-up mechanism, *inter alia*, to consider the question of elaborating a convention on the right to development;"

was replaced by:

"21. *Request* the Commission on Human Rights:

(a) To invite the independent expert appointed by the Chairman of the Commission on Human Rights to include in his study on the current state of progress in the implementation of the right to development proposals for measures that could be taken for the more effective realization of the right to development at the national and international levels, and to submit his studies to the General Assembly;

(b) To invite the follow-up mechanism, *inter alia*, to consider the question of elaborating a convention on the right to development;"

and the subsequent paragraphs were renumbered accordingly.

47. At the same meeting, following a request by the representative of the United States of America, the Committee adopted draft resolution A/C.3/53/L.58/Rev.1, as orally revised, by a recorded vote of 109 to 1, with 40 abstentions (see para. 49, draft resolution XVI). The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

48. Before the adoption of the draft resolution, statements were made by the representatives of Cuba and Indonesia, and the representative of Japan made a statement in explanation of vote; after the adoption of the draft resolution, the representatives of Austria (on behalf of the States Members of the United Nations that are members of the European Union), Norway, New Zealand, the Russian Federation, Australia, the Republic of Korea and Canada made statements in explanation of vote (see A/C.3/53/SR.53).

III. Recommendations of the Third Committee

49. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Recalling, in this fiftieth anniversary of the Universal Declaration of Human Rights,[9] article 18 of the Declaration,

Reaffirming also its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling article 18 of the International Covenant on Civil and Political Rights,[10]

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

[9] Resolution 217 A (III).

[10] See resolution 2200 A (XXI), annex.

Reaffirming the call of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,[11]

Calling upon all Governments to cooperate with the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief to enable him to carry out his mandate fully,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,[12]

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. *Reaffirms* that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. *Urges* States to ensure that their constitutional and legal systems provide effective guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

3. *Also urges* States to ensure, in particular, that no one within their jurisdiction is, because of his or her religion or belief, deprived of the right to life or the right to liberty and security of person or subjected to torture or arbitrary arrest or detention;

4. *Further urges* States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance and to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. *Recognizes* that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

6. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

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[11] A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

[12] E/CN.4/1994/79, para. 103.

7. *Urges* States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

8. *Calls upon* all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

9. *Expresses its grave concern* at any attack upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert the utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

10. *Recognizes* that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration;

11. *Encourages* the continued efforts on the part of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief, appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration, and to recommend remedial measures as appropriate;

12. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

13. *Also encourages* Governments, when seeking the assistance of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience and religion;

14. *Welcomes and encourages* the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

15. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

16. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fourth session;

17. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary staffing, financial and material resources to enable him to discharge his mandate in full and on time;

18. *Decides* to consider the question of the elimination of all forms of religious intolerance at its fifty-fourth session under the item entitled "Human rights questions".

Draft resolution II

Human rights and unilateral coercive measures

The General Assembly,

Recalling its resolutions 51/103 of 12 December 1996 and 52/120 of 12 December 1997, and noting Commission on Human Rights resolution 1998/11 of 9 April 1998,[13]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General,[14] pursuant to Commission on Human Rights resolution 1995/45 of 3 March 1995,[15] and the report of the Secretary-General on the implementation of Assembly resolution 52/120,[16]

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[17]

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[18] the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,[19] and the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted on 14 June 1996 by the United Nations Conference for Human Settlements (Habitat II),[20]

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their extraterritorial effects, *inter alia*, on the economic and social development of targeted countries and peoples and individuals under the jurisdiction of other States,

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[13] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[14] E/CN.4/1996/45 and Add.1.

[15] See *Official Records of the Economic and Social Council, 1995, Supplement No. 3* and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

[16] A/53/293 and Add.1.

[17] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

[18] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[19] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[20] A/CONF.165/14, chap. I, resolution 1, annexes I and II.

Noting the continuing efforts of the Working Group on the Right to Development, and reaffirming in particular its criteria according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[21]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[22] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

3. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

4. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

5. *Urges* the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

6. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development, to give urgent consideration to the present resolution in her annual report to the General Assembly;

7. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit accordingly a report thereon to the General Assembly at its fifty-fourth session;

8. *Decides* to examine this question on a priority basis at its fifty-fourth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

[21] Resolution 41/128, annex.

[22] Resolution 217 A (III).

Draft resolution III

Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights[23] fifty years ago, Member States pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that the rule of law is an essential factor in the protection of human rights, as stressed in the Declaration, and should continue to attract the attention of the international community,

Convinced that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Office of the United Nations High Commissioner for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, *inter alia*, providing advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that a comprehensive programme should be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,[24]

Bearing in mind that the Office of the High Commissioner remains the focal point for coordinating system-wide attention to human rights, democracy and the rule of law,

Recalling its resolution 52/125 of 12 December 1997 and Commission on Human Rights resolution 1997/48 of 11 April 1997,[25]

1. *Welcomes* the report of the Secretary-General;[26]

2. *Takes note with appreciation* of the increasing number of Member States seeking assistance in strengthening and consolidating the rule of law;

3. *Praises* the efforts made by the Office of the United Nations High Commissioner for Human Rights to accomplish its ever-increasing tasks with the limited financial and personnel resources at its disposal;

4. *Expresses its deep concern* at the scarcity of means at the disposal of the Office of the High Commissioner for the fulfilment of its tasks;

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[23] Resolution 217 A (III).

[24] See A/CONF.157/24 (Part I), chap. III, sect. II, para. 69.

[25] See *Official Records of the Economic and Social Council, 1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

[26] A/53/309.

5. *Notes* that the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights does not have sufficient funds to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends but are facing economic hardship;

6. *Welcomes* the deepening of the ongoing cooperation between the United Nations High Commissioner for Human Rights and other relevant bodies and programmes of the United Nations system, with a view to enhancing system-wide coordination of assistance in human rights, democracy and the rule of law, and, in this context, takes note of the cooperation between the United Nations Development Programme and the High Commissioner in providing technical assistance at the request of States in the promotion of the rule of law;

7. *Encourages* the High Commissioner to continue the dialogue with other organs and agencies of the United Nations system, taking into account the need to explore new synergies with a view to obtaining increased financial assistance for human rights and the rule of law;

8. *Also encourages* the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining the technical and financial means to strengthen the capacity of the Office of the High Commissioner to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

9. *Requests* the High Commissioner to continue to accord high priority to the technical cooperation activities undertaken by her Office with regard to the rule of law;

10. *Expresses its appreciation* to the efforts made by the High Commissioner to undertake an analysis of the technical cooperation provided by the United Nations in the field of human rights with the aim of formulating recommendations for inter-agency coordination, funding and allocation of responsibilities in order to improve efficiency and complementarity of action concerning, *inter alia*, assistance to States in strengthening the rule of law;

11. *Requests* the Secretary-General to submit a report to the General Assembly at its fifty-fifth session on the results of the contacts established in accordance with the present resolution, as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the World Conference on Human Rights.

Draft resolution IV

Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,[27]

[27] Resolution 217 A (III).

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development,[28] family reunification of documented migrants is an important factor in international migration, and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Recalling its resolution 52/121 of 12 December 1997,

1. *Once again calls upon* all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. *Reaffirms* that all Governments, in particular those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

3. *Calls upon* all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

4. *Also calls upon* all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against individuals or groups of legal migrants by adversely affecting family reunification and the right to send financial remittances to relatives in the country of origin;

5. *Decides* to continue its consideration of this question at its fifty-fourth session under the item entitled "Human rights questions".

Draft resolution V

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries in the world,

Recalling Commission on Human Rights resolution 1998/7 of 3 April 1998,[29] in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights,[30]

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[28] *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[29] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[30] Resolution 217 A (III).

1. *Adopts* the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

Annex

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter of the United Nations,

Acknowledging the important role of international cooperation for and the valuable work of individuals, groups and associations in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity, and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible and interdependent and interrelated, and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the primary responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for, and foster knowledge of, human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic and political as well as other fields and the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed, and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights,[31] the International Covenants on Human Rights[32] and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

(a) To meet or assemble peacefully;

[31] Resolution 217 A (III).

[32] See resolution 2200 A (XXI), annex.

(b) To form, join and participate in non-governmental organizations, associations or groups;

(c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge of all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles, and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs, criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law, and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms

by petition or other appropriate means to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials, so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or failure to act where required, in violating human rights and fundamental freedoms, and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be effectively protected under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms, through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, *inter alia*:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the State's periodic reports to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education, and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Likewise, they have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

Draft resolution VI

Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[33] and the International Covenants on Human Rights,[34]

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,[35] including part III thereof, relating to human rights,

Taking note of Commission on Human Rights resolution 1998/60 of 17 April 1998,[36] and recalling General Assembly resolution 52/135 of 26 November 1997 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993,[37] in which the Commission recommended the appointment of a special representative in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,

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[33] Resolution 217 A (III).

[34] See resolution 2200 A (XXI), annex.

[35] A/46/608–S/23177, annex; see *Official Records of the Security Council, Forty-sixth Year, Supplement for October, November and December 1991*, document S/23177.

[36] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[37] Ibid., *1993, Supplement No. 3* (E/1993/23), chap. II, sect. A.

Recognizing that the tragic history of Cambodia requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed at Paris on 23 October 1991,

Desiring that the United Nations respond positively to assist efforts to investigate Cambodia's tragic history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and her visit to Cambodia in January 1998,

Also welcoming the agreement by the Government of Cambodia to extend the mandate of the office in Phnom Penh of the United Nations High Commissioner for Human Rights until March 2000, enabling the office to continue its operations and to maintain its technical cooperation programmes,

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning in Cambodia of the Office of the High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the situation of human rights in Cambodia,[38] in particular the section concerning the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights, and encourages the Government of Cambodia to continue to cooperate with the Office;

3. *Takes note with appreciation* of the report of the Special Representative on the situation of human rights in Cambodia,[39] and notes in particular his concerns about political violence, the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners, child labour, child prostitution and trafficking, workers' rights and the freedom to form independent trade unions, media freedom and the situation of women, including violence against women, and minorities;

4. *Welcomes* the holding of national elections by the Government of Cambodia on 26 July 1998 and its efforts to ensure the safety of national and international observers of the elections;

5. *Notes* that the elections demonstrated the clear desire of the Cambodian people for democracy; stresses the need for the constructive engagement of all parties in order to fulfil the objective of the elections, the formation of an elected, constitutional government, and, in this context, welcomes the agreement reached between political parties to convene the national assembly and to establish a coalition government;

6. *Also welcomes* the role of the United Nations in monitoring the return and full resumption of political activities by political leaders in the period leading up to, during and immediately after the elections;

[38] A/53/400.

[39] E/CN.4/1998/95.

7. *Further welcomes* the role of national non-governmental organizations in educating voters and providing observers at polling stations, and of international observers during the recent elections, and takes note of the statements of the joint international observer group regarding the polling and counting processes of the elections;

8. *Encourages* the Government of Cambodia to continue to work with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia, in recognition of the vital and valuable role played by non-governmental organizations in the development of civil society in Cambodia;

9. *Notes* the formation of a provisional Cambodian human rights committee, and encourages the Government of Cambodia, in setting up a new Cambodian human rights commission, to take into account international standards, notably those on independence, and to request the Office of the United Nations High Commissioner for Human Rights to provide advice and technical assistance to this end;

10. *Expresses grave concern* about numerous instances of violations of human rights, including extrajudicial executions, torture, illegal arrests and detention, and violence in relation to political activities, as detailed in the reports of the Special Representative, including those of March 1997 and July 1997 and during the recent election campaign and its immediate aftermath, and calls upon the Government of Cambodia to investigate urgently and prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

11. *Also expresses grave concern* at the situation of impunity in Cambodia, and stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, including the repeal of article 51 of the 1994 Law on Civil Servants and bringing to justice those responsible for human rights violations, together with ensuring the security of persons and rights of association, assembly and expression, remains a matter of critical and urgent priority;

12. *Welcomes* the convening for the first time of the Supreme Council of the Magistracy in December 1997, as well as the adoption of the law on the Constitutional Council in March 1998, and looks forward to the active implementation of their constitutional mandates;

13. *Condemns* the use of racist rhetoric and acts of violence against ethnic minorities, especially Cambodians of Vietnamese ethnicity, detailed in the report of the Special Representative, and urges all political parties in Cambodia to abstain from statements or activities that could be interpreted as incitement against ethnic minorities;

14. *Notes with serious concern* the Special Representative's comments about the judicial system and the prison administration, strongly urges the Government of Cambodia to continue its efforts to create a functioning and impartial system of justice and to implement the Prison Regulations signed in March 1998, and welcomes the cooperation of the Government of Cambodia with international efforts to improve the judicial system;

15. *Stresses* the need for the Government of Cambodia to improve the implementation of the freedoms laid down in the Cambodian Constitution with regard to the operation of a free electronic and print media and the security of persons and rights of association, assembly and expression, in accordance with the provisions of the Constitution and in view of the critical role they play in the effective functioning of a multi-party democracy;

16. *Endorses* the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer

Rouge, and notes with concern that no Khmer Rouge leaders have been brought to account for their crimes;

17. *Welcomes* the appointment by the Secretary-General, in response to the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law by the Khmer Rouge, of a group of experts to evaluate the existing evidence and propose further measures as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

18. *Commends* the efforts of the Government of Cambodia, together with non-governmental organizations and United Nations bodies, including the United Nations Children's Fund, the United Nations Development Programme, the United Nations Population Fund and the United Nations Educational, Scientific and Cultural Organization, to improve the quality of and access to education;

19. *Notes with serious concern* the prevalence of child labour in Cambodia, and calls upon the Government of Cambodia to ensure adequate health and safety conditions and access to education for working children and to outlaw the worst forms of child labour;

20. *Welcomes* the development by the Government of Cambodia, working with the office in Cambodia of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and non-governmental organizations, of an action plan to combat child prostitution and trafficking, encourages the National Assembly to approve the plan as a matter of priority, and urges the Government of Cambodia to take concrete action to ensure its speedy and effective implementation;

21. *Urges* the Government of Cambodia to take all appropriate measures to eliminate discrimination against women, including in the political and public life of the country, to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women,[40] including by seeking technical assistance;

22. *Notes with appreciation* the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the United Nations High Commissioner for Human Rights, as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

23. *Expresses grave concern* at the devastating consequences and destabilizing effects of the use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, including the work of the Cambodian Mine Action Centre, commends donor countries for their contributions and assistance to the Centre, and urges the Government of Cambodia to give priority to banning all anti-personnel landmines;

24. *Requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

[40] Resolution 34/180, annex.

25. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-fourth session.

Draft resolution VII

Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[41] the International Covenant on Civil and Political Rights,[42] the International Covenant on Economic, Social and Cultural Rights,[42] and other human rights instruments adopted by the United Nations,

Considering the relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[43] and of the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development, adopted by the World Summit on 12 March 1995,[44]

Recalling its resolutions 47/196 of 22 December 1992, by which it declared 17 October International Day for the Eradication of Poverty, 48/183 of 21 December 1993, by which it proclaimed 1996 International Year for the Eradication of Poverty, 50/107 of 20 December 1995, by which it proclaimed the first United Nations Decade for the Eradication of Poverty (1997–2006), 51/97 of 12 December 1996 on human rights and extreme poverty and 52/193 of 18 December 1997, in which it emphasized the follow-up of the Decade,

Recalling also its resolution 52/134 of 12 December 1997, in which it recognized that the enhancement of international cooperation in the field of human rights was essential for the understanding, promotion and protection of all human rights,

Bearing in mind Commission on Human Rights resolutions 1992/11 of 21 February 1992,[45] 1993/13 of 26 February 1993,[46] 1994/12 of 25 February 1994,[47] 1995/16 of 24 February 1995,[48] 1996/10 of 11 April 1996,[49] resolution 1997/11 of 3 April 1997[50] and resolution 1998/25 of 17 April 1998,[51] as well as resolution 1996/23 of 29 August 1996 of the Subcommission on Prevention of Discrimination and Protection of Minorities,[52]

Recalling its resolution 47/134 of 18 December 1992, in which it reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity and stressed the need for a complete and in-depth study of extreme poverty, based on the experience and the thoughts of the poorest,

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[41] Resolution 217 A (III).

[42] See resolution 2200 A (XXI), annex.

[43] A/CONF.157/24 (Part I), chap. III.

[44] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[45] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

[46] Ibid., *1993, Supplement No. 3* (E/1993/23), chap. II, sect. A.

[47] Ibid., *1994, Supplement No. 4* and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

[48] Ibid., *1995, Supplement No. 3* and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

[49] Ibid., *1996, Supplement No. 3* (E/1996/23), chap. II, sect. A.

[50] Ibid., *1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

[51] Ibid., *1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[52] See E/CN.4/1997/2–E/CN.4/Sub.2/1996/41, chap. II, sect. A.

Recognizing that eradication of extreme poverty is a major challenge within the process of globalization and requires coordinated and continued policies,

Recognizing also that, as the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights, and might, in some situations, constitute a threat to the right to life, its immediate alleviation and eventual elimination must remain a high priority for the international community,

Welcoming the appointment, for a period of two years, of an independent expert on the question of human rights and extreme poverty, whose mandate includes, in particular, a contribution to the evaluation in the year 2000 of the World Summit for Social Development, and whose work should continue taking into account the efforts of the poorest themselves and the conditions in which they can convey their experiences,

1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. *Reaffirms also* that, in accordance with the Vienna Declaration and Programme of Action,[43] it is essential for States to foster participation by the poorest people in the decision-making process in the communities in which they live, in the promotion of human rights and in efforts to combat extreme poverty;

3. *Recognizes* that surmounting extreme poverty constitutes an essential means to the full enjoyment of political, civil, economic, social and cultural rights and reaffirms the interrelationship among these goals;

4. *Emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society and the United Nations system, including international financial institutions;

5. *Invites* the United Nations High Commissioner for Human Rights, within the framework of the implementation of the United Nations Decade for the Eradication of Poverty, to continue to give appropriate attention to the question of human rights and extreme poverty;

6. *Notes with appreciation* the specific action taken by the United Nations Children's Fund to mitigate the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for some means of alleviating poverty within the framework of the relevant resolutions, and urges them to continue in this work;

7. *Invites* States, United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, intergovernmental organizations and non-governmental organizations to give appropriate attention to the links between human rights and extreme poverty;

8. *Decides* to consider this question further at its fifty-fifth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

Draft resolution VIII

Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[53] which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,[54]

Recalling also its resolutions 47/136 of 18 December 1992 and 51/92 of 12 December 1996, as well as Commission on Human Rights resolutions 1992/72 of 5 March 1992[55] and 1998/68 of 21 April 1998,[56]

Recalling further Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continuing occurrence of extrajudicial, summary or arbitrary executions in those countries,

Recalling, in this fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,[57] article 6 of the Convention, and acknowledging in this context the historic significance of the adoption of the Rome Statute of the International Criminal Court,[58]

Acknowledging the contribution of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court with regard to ensuring effective prosecution concerning executions in serious violation of article 3 common to the four Geneva Conventions of 12 August 1949,[59] without previous judgement pronounced by a regularly constituted court affording all judicial guarantees that are generally recognized as indispensable,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

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[53] Resolution 217 A (III).

[54] See resolution 2200 A (XXI), annex.

[55] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

[56] Ibid., *1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[57] Resolution 260 A (III).

[58] A/CONF.183/9.

[59] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

4. *Notes* the encouragement given to the Special Rapporteur of the Commission on Human Rights to continue, within the framework of her mandate, to collect information from all concerned and to seek the views and comments of Governments so as to be able to respond effectively to reliable information that comes before her and to follow up communications and country visits;

5. *Reaffirms* Economic and Social Council decision 1998/265 of 30 July 1998, in which the Council endorsed the decision of the Commission on Human Rights, in its resolution 1998/68, to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

6. *Takes note* of the statement made by the Special Rapporteur on extrajudicial, summary or arbitrary executions before the General Assembly on 4 November 1998;[60]

7. *Notes* the important role the Special Rapporteur has played towards the elimination of extrajudicial, arbitrary or summary executions;

8. *Recalls* that the Commission on Human Rights, in its resolution 1998/68, requested the Special Rapporteur, in carrying out her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information that comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(c) To enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in the defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6

[60] See A/C.3/53/SR.34.

of the International Covenant on Civil and Political Rights,[57] as well as the Second Optional Protocol thereto;[61]

(g) To apply a gender perspective in her work;

9. *Strongly urges* all Governments to respond to the communications transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that she may carry out her mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests;

10. *Encourages* Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, in human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

11. *Urges* the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to her or where early action might prevent further deterioration;

12. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

13. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, keeping in mind the safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

14. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to have been respected;

15. *Requests* the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources, to enable her to carry out her mandate effectively, including through country visits;

16. *Also requests* the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

17. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon.

[61] Resolution 44/128, annex.

Draft resolution IX

Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993[62] and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission on Human Rights concerning advisory services and technical cooperation in the field of human rights, including its most recent resolution on that subject, resolution 1998/57 of 17 April 1998,[62]

Bearing in mind also the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[63] reiterating the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling that the World Conference on Human Rights recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations Commissioner for Human Rights,

Reaffirming that regional arrangements play a fundamental role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Noting the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Noting also the expansion, since 1993, of the technical cooperation programme of the United Nations High Commissioner for Human Rights, extended upon the request of the concerned Member States, and the crucial importance of sharing information and experiences and developing and strengthening national capacities for the promotion and protection of human rights,

Noting further that national institutions can make an important contribution to the ongoing process of developing regional human rights arrangements, including in areas such as human rights education, mutual cooperation and information sharing,

1. *Takes note with satisfaction* of the report of the Secretary-General;[64]

2. *Welcomes* the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation which is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

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[62] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* (E/1993/23), chap. II, sect. A.

[63] A/CONF.157/24 (Part I), chap. III.

[64] A/53/324.

3. *Welcomes also*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level government expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding of the promotion and protection of human rights issues in the regions, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and at identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. *Stresses* the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

5. *Invites* all Governments to continue to support the activities of the United Nations High Commissioner for Human Rights in the field of technical cooperation, with a view to further strengthening regional cooperation and regional arrangements for the promotion and protection of human rights;

6. *Reiterates* the recommendation of the World Conference on Human Rights that human rights officers be assigned if and when necessary to regional offices of the United Nations for the purpose of disseminating information and offering training and other technical assistance in the field of human rights upon the request of the concerned Member States, and in this regard calls upon the Office of the United Nations High Commissioner for Human Rights to also disseminate information regarding regional arrangements which exist in different parts of the world;

7. *Requests* the Secretary-General, as foreseen in programme 19, Human rights, of the medium-term plan for the period 1998–2001, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights;

8. *Welcomes* the growing exchanges between the Office of the United Nations High Commissioner for Human Rights and regional intergovernmental organizations, as well as the growing exchanges between the bodies created by the United Nations in accordance with the treaties dealing with human rights and relevant regional organizations and bodies such as the Council of Europe and the African Commission on Human and People's Rights;

9. *Welcomes also* the recent adoption by the Assembly of Heads of State and Government of the Organization of African Unity of the Protocol to the African Charter on Human and People's Rights on the establishment of an African Court on Human and People's Rights;

10. *Invites* States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights, and recognizes in this context that the annual intergovernmental workshop for the Asia-Pacific region, as stated during the sixth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held

at Tehran from 28 February to 2 March 1998,[65] is an important forum for the discussion of initiatives for regional cooperation;

11. *Requests* the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of technical cooperation and to make, where necessary, relevant recommendations;

12. *Requests* the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of the present resolution;

13. *Decides* to consider this question further at its fifty-fifth session.

Draft resolution X

Strengthening of United Nations actions in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

The General Assembly,

Bearing in mind that, among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desirous of achieving further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodied in international law, especially the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[66] the international Covenants on Human Rights[67] and other relevant instruments,

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Recalling its previous resolutions in this regard,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and

[65] E/CN.4/1998/50.

[66] Resolution 217 A (III).

[67] See resolution 2200 A (XXI), annex.

Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[68]

Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and countries, as well as of the members of the working groups, in carrying out their mandates,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter of the United Nations, as well as various international instruments in the field of human rights,

1. *Reiterates* that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. *Reaffirms* that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. *Calls upon* all Member States to base their activities for the protection and promotion of human rights, including the development of further international cooperation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights,[66] the International Covenant on Economic, Social and Cultural Rights,[67] the International Covenant on Civil and Political Rights,[67] and other relevant international instruments, and to refrain from activities that are inconsistent with that international framework;

4. *Considers* that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. *Reaffirms* that the promotion, protection, and full realization of all human rights and fundamental freedoms, as a legitimate concern of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. *Requests* all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the contents of the present resolution in carrying out their mandates;

7. *Expresses its conviction* that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

8. *Stresses*, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

9. *Invites* Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter of the United Nations, and international human rights

[68] A/CONF.157/24 (Part I), chap. III.

instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

10. *Requests* the Commission on Human Rights to take duly into account the present resolution and to consider further proposals for the strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;

11. *Requests* the Secretary-General to consult Member States, intergovernmental organizations and non-governmental organizations on ways and means for the strengthening of United Nations action in the human rights field, including the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, and to submit a comprehensive report on this issue to the General Assembly at its fifty-fourth session;

12. *Decides* to consider this matter at its fifty-fourth session under the item entitled "Human rights questions".

Draft resolution XI

Question of enforced or involuntary disappearances

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights,[69] the International Covenants on Human Rights[70] and the other relevant international human rights instruments,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons and its resolutions 46/125 of 17 December 1991, 49/193 of 23 December 1994 and 51/94 of 12 December 1996 on the question of enforced or involuntary disappearances,

Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Expressing concern that, according to the Working Group on Enforced or Involuntary Disappearances, the practice of a number of States can run counter to the Declaration,

Deeply concerned, in particular, by the intensification of enforced disappearances in various regions of the world and by the growing number of reports concerning the harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Convinced that further efforts are needed to promote wider awareness of and respect for the Declaration, and taking note in this regard of the report of the Secretary-General,[71]

Bearing in mind Commission on Human Rights resolution 1998/40 of 17 April 1998,[72]

1. *Reaffirms* that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed

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[69] Resolution 217 A (III).

[70] See resolution 2200 A (XXI), annex.

[71] A/53/304.

[72] See *Official Records of the Economic and Social Commission, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

in the Universal Declaration of Human Rights[69] and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law;

2. *Reiterates its invitation* to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end at the national and regional levels and in cooperation with the United Nations, including through technical assistance;

3. *Calls upon* Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, in particular as regards the prevention of enforced disappearances;

4. *Reminds* Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances, whenever there is a reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, and that, if allegations are confirmed, perpetrators should be prosecuted;

5. *Once again urges* the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

6. *Encourages* States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

7. *Requests* all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in local languages;

8. *Notes* the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dissemination and to contribute to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities;

9. *Expresses its appreciation* to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work;

10. *Requests* the Working Group, in the continued exercise of its mandate, to take into account the provisions of the Declaration and to modify its working methods, if necessary;

11. *Recalls* the importance of the Working Group, the primary role of which is, as described in its reports, to act as a channel of communication between the families of disappeared persons and the Government concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated, and to ascertain whether such information falls under its mandate and contains the required elements, and invites the Group to continue to seek the views and comments of all concerned, including Member States, in preparing its report;

12. *Invites* the Working Group to identify obstacles to the realization of the provisions of the Declaration, to recommend ways of overcoming those obstacles and, in this regard, to continue a dialogue with Governments and relevant intergovernmental and non-governmental organizations;

13. *Further encourages* the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteur appointed by the Subcommission and with due regard for relevant provisions of the Declaration;

14. *Requests* the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;

15. *Appeals* to the Governments concerned, in particular those which have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

16. *Encourages* the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Group to fulfil its mandate even more effectively;

17. *Expresses its profound thanks* to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Group to visit their countries, asks them to give all necessary attention to the recommendations of the Group, and invites them to inform the Group of any action they take on those recommendations;

18. *Calls upon* the Commission on Human Rights to continue to study this question as a matter of priority and to take any steps it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its recommendations when it considers the report to be submitted by the Working Group to the Commission at its fifty-fifth session;

19. *Renews its requests* to the Secretary-General to continue to provide the Working Group with all facilities it requires to perform its functions, especially for carrying out missions and following them up;

20. *Requests* the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration;

21. *Also requests* the Secretary-General to submit to it at its fifty-fifth session a report on the steps taken to implement the present resolution;

22. *Decides* to consider the question of enforced disappearances, and in particular the implementation of the Declaration, at its fifty-fifth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

Draft resolution XII

Follow-up to the United Nations Year for Tolerance

The General Assembly,

Recalling its resolutions 47/124 of 18 December 1992, 48/126 of 20 December 1993, 49/213 of 23 December 1994 and 51/95 of 12 December 1996,

Recalling also that the Charter of the United Nations affirms in its preamble that to practice tolerance is one of the principles to be applied to attain the ends pursued by the United Nations of preventing war and maintaining peace,

Stressing that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Bearing in mind the Universal Declaration of Human Rights,[73] the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[74] and the International Covenants on Human Rights,[75]

Reconfirming that tolerance is the sound foundation of any civil society and of peace,

Taking note of the note by the Secretary-General[76] transmitting the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the implementation of the Declaration of Principles on Tolerance and the Follow-up Plan of Action for the United Nations Year for Tolerance, submitted pursuant to General Assembly resolution 51/95,

1. *Welcomes* the role played by the United Nations Educational, Scientific and Cultural Organization in the implementation of the Follow-up Plan of Action for the United Nations Year for Tolerance;

2. *Expresses its appreciation* for the contribution of several Member States to the realization of projects and activities aimed at the promotion of tolerance and non-violence, especially by means of education;

3. *Invites* the United Nations Educational, Scientific and Cultural Organization to consider extending the material and moral support necessary for the functioning and enlargement of the existing regional networks of tolerance, non-violence and solidarity in the Mediterranean and Black Sea Basin, Asia and the Pacific, Africa and Latin America;

4. *Also invites* the United Nations Educational, Scientific and Cultural Organization to consider the possibility of creating institutional networks of tolerance, non-violence and solidarity in other regions and subregions;

5. *Welcomes* the translation and dissemination of the Declaration of Principles on Tolerance in many languages;

6. *Welcomes equally* the experience gained during the celebration in 1996 and 1997 of the International Day for Tolerance, and invites Member States and competent intergovernmental and non-governmental organizations to continue to contribute to the celebration of the International Day by means of educational activities and public information campaigns aimed at the realization of more tolerant societies;

7. *Invites* Member States to continue their efforts to achieve a wider application of the Declaration of Principles on Tolerance;

8. *Requests* the United Nations Educational, Scientific and Cultural Organization to continue to be the lead United Nations agency in the promotion of tolerance and non-violence;

9. *Also requests* the United Nations Educational, Scientific and Cultural Organization to include in its report on a culture of peace, to be submitted to the Millennium Assembly, information on the progress made in the implementation of the Follow-up Plan of Action for the United Nations Year for Tolerance.

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[73] Resolution 217 A (III).

[74] A/CONF.157/24 (Part I), chap. III.

[75] See resolution 2200 A (XXI), annex.

[76] A/53/284.

Draft resolution XIII

The human genome and human rights

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights,[77] the International Covenants on Human Rights[78] and the other pertinent international instruments relating to human rights,

Recalling Commission on Human Rights resolutions 1993/91 of 10 March 1993[79] and 1997/71 of 16 April 1997,[80] on the question of human rights and bioethics,

Recalling also that, in accordance with the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Aware of the rapid development of the life sciences and of ethical concerns raised by certain of their applications with regard to the dignity of the human race and the rights and freedoms of the individual,

Seeking to promote scientific and technical progress in the fields of biology and genetics in a manner respectful of fundamental rights and for the benefit of all,

Emphasizing, in this regard, the importance of international cooperation in order to ensure that mankind as a whole benefits from the life sciences, while seeking to prevent them from being used for any purpose other than the good of mankind,

Recalling the Universal Declaration on the Human Genome and Human Rights[81] and the accompanying resolution on its implementation,[82] both adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twenty-ninth session,

Recognizing the importance of the process of follow-up to the Universal Declaration on the Human Genome and Human Rights within the framework of the United Nations Educational, Scientific and Cultural Organization,

Convinced of the need to develop a life sciences ethic at the national and international levels,

Endorses the Universal Declaration on the Human Genome and Human Rights adopted by the United Nations Educational, Scientific and Cultural Organization on 11 November 1997.

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[77] Resolution 217 A (III).

[78] See resolution 2200 A (XXI), annex.

[79] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2 and 4), chap. II, sect. A.

[80] Ibid., *1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

[81] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Twenty-ninth Session*, vol. I, *Resolutions*, resolution 16.

[82] Ibid., resolution 17.

Draft resolution XIV

United Nations Decade for Human Rights Education, 1995–2004, and public information activities in the field of human rights

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,[83] article 26 of which states that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms", and the provisions of other international human rights instruments, such as those of article 13 of the International Covenant on Economic, Social and Cultural Rights,[84] article 10 of the Convention on the Elimination of All Forms of Discrimination against Women,[85] article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination,[86] article 29 of the Convention on the Rights of the Child,[87] article 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[88] and paragraphs 78 to 82 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[89] which reflect the aims of the aforementioned article,

Recalling the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education, 1995–2004, public information activities in the field of human rights, including the World Public Information Campaign on Human Rights, the project of the United Nations Educational, Scientific and Cultural Organization entitled "Towards a culture of peace", the implementation of and follow-up to the Vienna Declaration and Programme of Action and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights,

Believing that the World Public Information Campaign on Human Rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights, and recalling the importance attached by the World Conference on Human Rights to human rights education and information,

Convinced that every woman, man, youth and child, in order to realize their full human potential, must be made aware of all their human rights and fundamental freedoms,

Convinced also that human rights education should involve more than the provision of information and should constitute a comprehensive, lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect,

Recognizing that human rights education and information are essential to the realization of human rights and fundamental freedoms and that carefully designed programmes of training, dissemination and information can have a catalytic effect on

[83] Resolution 217 A (III).
[84] See resolution 2200 A (XXI), annex.
[85] Resolution 34/180, annex.
[86] Resolution 2106 A (XX), annex.
[87] Resolution 44/25, annex.
[88] Resolution 39/46, annex.
[89] A/CONF.157/24 (Part I), chap. III.

national, regional and international initiatives to promote and protect human rights and prevent human rights violations,

Convinced that human rights education and information contribute to a holistic concept of development consistent with the dignity of women and men of all ages that takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with the human immunodeficiency virus/acquired immunodeficiency syndrome infection and disabled persons,

Taking into account the efforts to promote human rights education made by educators and non-governmental organizations in all parts of the world, as well as by intergovernmental organizations, including the Office of the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the United Nations Children's Fund and the United Nations Development Programme,

Recognizing the invaluable and creative role that non-governmental and community-based organizations can play in disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

Aware of the potential supportive role of the private sector in implementing at all levels of society the Plan of Action for the United Nations Decade for Human Rights Education, 1995–2004,[90] and the World Public Information Campaign on Human Rights, through creative initiatives and financial support for governmental and non-governmental activities,

Convinced that the effectiveness of existing human rights education and public information activities would be enhanced by better coordination and cooperation at the national, regional and international levels,

Recalling that it is within the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Considering that the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 constituted an invaluable opportunity for all members of the international community to enhance human rights education and information activities throughout the world,

Welcoming the decision of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to place the question of the right to education, and in particular human rights education, on its agenda for the duration of the Decade,

Taking note with appreciation of the increased efforts undertaken so far by the Office of the United Nations High Commissioner for Human Rights to disseminate human rights information through its Web site[91] and its publications and external relations programmes,

Welcoming the initiative of the Office of the High Commissioner to develop the project entitled "Assisting Communities Together", supported by voluntary funds and designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities,

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[90] A/51/506/Add.1, appendix.

[91] http://www.unhchr.ch.

Welcoming also the initiative of the Department of Public Information of the Secretariat to disseminate human rights information through the United Nations project *CyberSchoolBus*, an Internet-based educational service that provides an interactive Web site for secondary schools,

1. *Takes note with appreciation* of the report of the Secretary-General[92] on the United Nations Decade for Human Rights Education, 1995–2004, and public information activities in the field of human rights, including the World Public Information Campaign on Human Rights;

2. *Welcomes* the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action for the United Nations Decade for Human Rights Education[90] and to develop public information activities in the field of human rights, as indicated in the report of the Secretary-General;

3. *Urges* all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the guidelines for national plans of action for human rights education developed by the Office of the United Nations High Commissioner for Human Rights[93] within the framework of the Decade;

4. *Urges* Governments to encourage, support and involve national and local non-governmental and community-based organizations in the implementation of their national plans of action;

5. *Calls upon* Governments, in accordance with their national conditions, to accord priority to the dissemination in their relevant national and local languages of the Universal Declaration of Human Rights,[83] the International Covenants on Human Rights[84] and other human rights instruments, human rights materials and training manuals, as well as reports of States parties under the human rights treaties, and to provide information and education in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments;

6. *Requests* the United Nations High Commissioner for Human Rights to continue to coordinate and harmonize human rights education and information strategies within the United Nations system, including the implementation of the Plan of Action, and to ensure maximum effectiveness and efficiency in the use, processing, management and distribution of human rights information and educational materials, including through electronic means;

7. *Encourages* Governments to contribute to the further development of the Web site of the Office of the United Nations High Commissioner for Human Rights,[91] in particular with respect to the dissemination of human rights education materials and tools, and to continue and expand the publications and external relations programmes of the Office;

8. *Encourages* the Office of the High Commissioner to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as components of technical cooperation projects;

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[92] A/53/313.

[93] A/52/469/Add.1 and Add.1/Corr.1.

9. *Urges* the Department of Public Information of the Secretariat to continue to utilize United Nations information centres for the timely dissemination, within their designated areas of activity, of basic information, reference and audio-visual materials on human rights and fundamental freedoms, including the reports of States parties under human rights instruments, and, to this end, to ensure that the information centres are supplied with adequate quantities of those materials;

10. *Stresses* the need for close collaboration between the Office of the High Commissioner and the Department of Public Information in the implementation of the Plan of Action and the World Public Information Campaign on Human Rights and the need to harmonize their activities with those of other international organizations such as the United Nations Educational, Scientific and Cultural Organization with regard to its project entitled "Towards a culture of peace" and the International Committee of the Red Cross and relevant non-governmental organizations with regard to the dissemination of information on international humanitarian law;

11. *Invites* the specialized agencies and relevant United Nations programmes and funds to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and the World Public Information Campaign on Human Rights and to cooperate closely with the Office of the High Commissioner in that regard;

12. *Encourages* the human rights treaty bodies to place emphasis, when examining reports of States parties, on obligations of States parties in the area of human rights education and information and to reflect this emphasis in their concluding observations;

13. *Calls upon* international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the Office of the High Commissioner, in implementing the Plan of Action;

14. *Urges* Governments and intergovernmental and non-governmental organizations to continue the human rights education and public information work undertaken in the context of the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, such as the development of materials, the elaboration of programmes and the establishment of networks, beyond 10 December 1998, as called for by the Commission on Human Rights in paragraph 11 of its resolution 1998/45 of 17 April 1998;[94]

15. *Encourages* the Commission on Human Rights to consider jointly, for the duration of the Decade, the question of the United Nations Decade for Human Rights Education, 1995–2004, and public information activities in the field of human rights, including the World Public Information Campaign on Human Rights;

16. *Encourages* the Office of the High Commissioner to continue considering ways and means to support human rights education activities, including those undertaken by non-governmental organizations;

17. *Requests* the Secretary-General, through the United Nations High Commissioner for Human Rights, to bring the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information, and to submit to the General

[94] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

Assembly at its fifty-fourth session a comprehensive report on the implementation of the present resolution for consideration under the item entitled "Human rights questions".

Draft resolution XV

Enhancement of international cooperation in the field of human rights

The General Assembly,

Recalling its resolution 52/134 of 12 December 1997 and Commission on Human Rights resolution 1998/81 of 24 April 1998 on the enhancement of international cooperation in the field of human rights,[95]

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular paragraph 3 of Article 1, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[96] for enhancing genuine cooperation among Member States in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, and underlining the importance of the promotion of dialogue on human rights issues,

Taking note of the adoption of resolution 1998/28 of 26 August 1998, entitled "Promotion of dialogue on human rights issues", by the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights at its fiftieth session,

1. *Calls upon* Member States, intergovernmental organizations and the specialized agencies to continue to carry out constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

2. *Invites* States and all relevant United Nations human rights mechanisms and procedures to pay continued attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

3. *Decides* to continue the consideration of this question at its fifty-fourth session.

Draft resolution XVI

Right to development

The General Assembly,

Recalling all its previous resolutions and those of the Commission on Human Rights relating to the right to development,

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[95] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[96] A/CONF.157/24 (Part I), chap. III.

Emphasizing that the promotion, protection and realization of the right to development are an integral part of the promotion and protection of all human rights at the national and international levels,

Noting that the human person is the central subject of development and that development policy should therefore make the human being the main participant in and beneficiary of development,

Stressing the importance of creating an economic, political, social, cultural and legal environment that will enable people to achieve social development at the national and international levels,

Further recalling that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights, and recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

Expressing its concern that, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights,[97] the unacceptable situation of absolute poverty, hunger, disease, lack of adequate shelter, illiteracy and hopelessness remains the lot of over one billion people,

Reaffirming the commitment contained in the Charter of the United Nations to promote social progress and better standards of life in larger freedom,

Mindful that the Commission on Human Rights continues to consider this matter and, by its resolution 1998/72 of 22 April 1998,[98] established a follow-up mechanism, initially for a period of three years,

Noting the need for coordination and cooperation throughout the United Nations system for the more effective promotion and realization of the right to development,

Recognizing that the Office of the United Nations High Commissioner for Human Rights has an important role to play in the promotion, protection and realization of the right to development, including through enhanced cooperation with the relevant bodies of the United Nations system for this purpose,

Reaffirming that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Recognizing that the implementation of the Declaration on the Right to Development[99] requires effective development policies and support at the international level through the effective contribution of States, organs and organizations of the United Nations system and non-governmental organizations active in this field,

Emphasizing that full respect for all human rights and the fundamental freedoms is necessary for lasting progress towards the realization of the right to development,

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[97] Resolution 217 A (III).

[98] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect A.

[99] Resolution 41/128, annex.

Reaffirming the need for action by all States at the national and international levels for the realization of all human rights and the need for relevant evaluation mechanisms to ensure the promotion of the Declaration on the Right to Development,

Expressing its concern that, more than ten years after the adoption of the Declaration on the Right to Development, and while noting that new challenges and opportunities for development have emerged in an increasingly globalized world, obstacles to the realization of the right to development still persist at both the national and the international levels, that new obstacles to the rights stated therein have emerged and that the progress made in removing these obstacles remains precarious,

Also expressing its concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes, national development strategies, and policies and activities of international organizations,

Having considered the report of the Secretary-General on the right to development,[100] prepared pursuant to General Assembly resolution 52/136 of 12 December 1997,

1. *Takes note* of the report of the Secretary-General;[100]

2. *Reaffirms* the importance of the right to development, as established in the Declaration on the Right to Development,[99] and reaffirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[101] for every human person and for all peoples in all countries, in particular the developing countries, as an integral part of fundamental human rights, as well as the potential contribution its realization could make to the full enjoyment of human rights and fundamental freedoms;

3. *Recognizes* that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights[97] and the Vienna Declaration and Programme of Action, through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights;

4. *Reiterates* the importance of the Vienna Declaration and Programme of Action, which reaffirms the right to development, as established by the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights and also reaffirms that the human person is the central subject of development;

5. *Reaffirms* that democracy, development and respect for all human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing, and in this context affirms that:

(a) Development experiences of countries reflect differences with regard to both progress and setbacks, and that the development spectrum has a wide range, not only between countries but also within countries;

(b) A number of developing countries have experienced rapid economic growth and remain dynamic partners in the international community;

(c) At the same time, the gap between developed and developing countries remains unacceptably wide and developing countries continue to face difficulties in participating in the globalization process and may risk being marginalized and effectively excluded from its benefits;

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[100] A/53/268.

[101] A/CONF.157/24 (Part I), chap. III.

(d) Democracy, which is spreading everywhere, has raised development expectations everywhere, that their non-fulfilment risks the rekindling of non-democratic forces and that structural reforms which do not take social realities into account could destabilize the processes of democratization;

(e) Effective popular participation is an essential component of successful and lasting development;

(f) Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social- and people-centred sustainable development;

(g) The participation of developing countries in the international economic decision-making process needs to be broadened and strengthened;

6. *Reaffirms also* that democracy, development and respect for all human rights and fundamental freedoms would be strengthened by enhanced international cooperation, in particular, for development;

7. *Urges* all States to eliminate all obstacles to development at all levels by pursuing the promotion and protection of economic, social, cultural, civil and political rights and by implementing comprehensive development programmes at the national level, integrating these rights into development activities and by promoting effective international cooperation;

8. *Reiterates* that the existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

9. *Invites* the United Nations High Commissioner for Human Rights, within her mandate, to give due regard to the impact of the problem of the external debt burden of developing countries, in particular the least developed countries, on the full enjoyment of the right to development in those countries;

10. *Expresses deep concern* about the overall decline in official development assistance flows, and calls upon the developed countries, in a spirit of partnership, to mobilize further resources for development assistance to support States' efforts towards the realization of the right to development with a view to fulfilling as soon as possible the commitments undertaken to meet the agreed United Nations targets;

11. *Affirms* the need to apply a gender perspective in the implementation of the right to development, *inter alia*, by ensuring that women play an active role in the development process, and emphasizes that the empowerment of women and their full participation on a basis of equality in all spheres of society is fundamental for development;

12. *Expresses concern* about the adverse impact of the current financial crisis on the realization of the right to development and the full enjoyment of economic, social and cultural rights in affected countries, especially on the right to food, health, education and work;

13. *Affirms* that international cooperation is acknowledged more than ever as a necessity deriving from recognized mutual interest, and therefore that such cooperation should be strengthened in order to support the efforts of developing countries to solve their social and economic problems and to fulfil their obligations to promote and protect all human rights;

14. *Welcomes* the intention of the Secretary-General to give high priority to the right to development, and urges all States to promote further the right to development as a vital element in a balanced human rights programme;

15. *Also welcomes* the efforts made by the United Nations High Commissioner for Human Rights towards the promotion and realization of the right to development, and invites her to explore further ways and means to achieve this objective;

16. *Requests* the Secretary-General to continue to inform the Commission on Human Rights and the General Assembly of the activities of the organizations, funds, programmes and specialized agencies of the United Nations system for the implementation of the Declaration on the Right to Development, as well as obstacles identified by them to the realization of the right to development;

17. *Welcomes* the establishment of a follow-up mechanism, initially for a three-year period, in accordance with Commission on Human Rights resolution 1998/72, consisting of an open-ended working group of the Commission and an independent expert, in order to make further progress towards the realization of the right to development;

18. *Calls upon* the Commission on Human Rights to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration on the Right to Development, including comprehensive and effective measures to eliminate obstacles to its implementation;

19. *Recognizes* that the fiftieth anniversary of the Universal Declaration of Human Rights provides an important opportunity to place all human rights – and, in this context, the right to development in particular – at the top of the global agenda;

20. *Calls upon* the Secretary-General and the United Nations High Commissioner for Human Rights, as appropriate:

(a) To examine ways and means to provide the Declaration on the Right to Development with a profile commensurate with its importance;

(b) To continue to accord priority to the right to development and provide commensurate support in terms of staff, services and resources for its programmatic follow-up;

(c) To ensure widespread dissemination and promotion of the Declaration on the Right to Development, in close cooperation with States and intergovernmental organizations, national institutions, academia and interested non-governmental organizations worldwide, through freely available booklets and publications, in a similar way to the Universal Declaration of Human Rights, workshops and seminars;

(d) To project the role and importance of the right to development as part of the overall promotion and protection of human rights;

(e) To consult regularly on a formal and informal basis with all States on the follow-up to the Declaration on the Right to Development;

(f) To continue the welcome initiative to organize regional seminars which should focus on all aspects of the realization of the right to development;

(g) To undertake a dialogue with the World Bank with regard to the right to development, including initiatives, policies, programmes and activities that can promote the right to development, and to inform Member States on a regular basis of the progress made in such a dialogue;

(h) To involve relevant entities of the United Nations, such as those participating in the Executive Committee on Economic and Social Affairs, to promote and advocate the right to development and its realization, especially at the international level;

21. *Requests* the Commission on Human Rights:

(a) To invite the independent expert appointed by the Chairman of the Commission on Human Rights to include in his study on the current state of progress in the implementation of the right to development; proposals for measures that could be taken for the more effective realization of the right to development at the national and international levels, and to submit his studies to the General Assembly;

(b) To invite the follow-up mechanism, *inter alia*, to consider the question of elaborating a convention on the right to development;

22. *Encourages* all States to address, within the declarations and programmes of action adopted by the relevant international conferences convened by the United Nations, elements for the promotion and protection of the right to development;

23. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-fourth session;

24. *Decides* to consider this question at its fifty-fourth session under the sub-item entitled "Human rights questions, including alternative approaches to improving the effective enjoyment of human rights and fundamental freedoms".